

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re **HEATHER SMART**

Debtor.

HEATHER SMART

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF
EDUCATION**

Defendant,

Case No. 20-34562

Chapter 7

Adv. Pro. No. 20-3500

PLAINTIFF'S MOTION TO DISMISS PROCEEDINGS WITHOUT PREJUDICE

COMES NOW, Debtor and Plaintiff, in the above-styled cause, who hereby files their Motion to Dismiss Proceedings Without Prejudice in connection with the above entitled and numbered cause and respectfully moves this Court for an Order of Dismissal of Proceedings Without Prejudice and would show this Court as follows:

The Plaintiff-Debtor is unable to present substantial evidence in support of her claim due to the unavailability of her medical care professionals. As such, proceeding to trial at this time would be an inefficient use of the Court's time due to Plaintiff-Debtor's inability to provide adequate and compelling evidence to the Court.

WHEREFORE PREMISES CONSIDERED, Plaintiff-Debtor prays that this Court enter an Order of Dismissal of Proceedings Without Prejudice as to the re-filing of claims, and for such other and further relief to the Debtor may be entitled.

SIGNED: June 3, 2022

Respectfully submitted,

/s/ Daniel J. Ciment

Daniel Ciment, Bar No. 24042581

Ciment Law Firm, PLLC

24285 Katy Freeway, Suite 300

Katy, TX 77494

(833) 663-3289 - Telephone

(855) 855-9830 - Facsimile

Daniel@CimentLawFirm.com

Attorney for Debtor

By: /s/ Chad W. Cowan (with permission)

CHAD W. COWAN

Assistant United States Attorney

Attorney-in-Charge

United States Attorney's Office

Southern District of Texas

Texas Bar No. 24082540

Southern District No. 938890

1000 Louisiana St., Suite 2300

Houston, Texas 77002

(713) 567-9569 – Telephone

(713) 718-3303 – Facsimile

Chad.cowan@usdoj.gov

Attorney for the United States of America